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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,065	02/18/2004	Hiroshi Mizuguchi	042093	2237
38834	7590	10/17/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,065

Applicant(s)

MIZUGUCHI ET AL.

Examiner

Ed Swinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10 and 13-17 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Ferguson.

Japan '495 discloses the field of the invention, including steering cylinders which do not project outside of the profile as claimed. As illustrated, the cylinders are not contained within a box, and are exposed to the elements.

Ferguson teaches a pair of steering cylinders for steering an outboard motor. A "box" is provided to cover the cylinders.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a box or enclosure to the outboard of Japan '495 as taught by Ferguson.

Such a combination would have been desirable at the time the invention was made so as to provide protection of the cylinders from the elements.

Re "regardless of a steered angle", such fails to define any specific structure and/or arrangement so as to define over Japan '495, as such is not a positive recitation of any or all angles, merely some arbitrary angle.

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3. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Ferguson as applied to claim 1 above, and further in view of Kanno.

Japan '495 as best understood fails to show a steering angle sensor.

Kanno teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide sensors to Japan '495 as taught by Kanno.

Such a combination would have been desirable at the time the invention was made so as to provide for increased reliability of components.

The position of the steering angle sensor is considered to have been an obvious design consideration, well within the level of skill of the ordinary routineer working in the art, and providing no unexpected results.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Ferguson and Kanno as applied to claim 5 above, and further in view of Alsobrooks et al.

Japan '495 fails to disclose sensor type.

Alsobrooks discloses a sensor as that claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ a ring sensor as the steering sensor of Japan '495 as taught by Alsobrooks.

Such a combination would have been desirable at the time the invention was made so as to provide a simple yet accurate sensor.

5. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan '495 in view of Ferguson as applied to claim 1 above, and further in view of Kazuyoshi.

Japan '495 fails to disclose particulars of his/her fluid supply means.

Kazuyoshi teaches a fluid supply having a movable orifice as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a variable displacement fluid supply to the system of Japan '495 as taught by Kazuyoshi.

6. Applicant's arguments filed 7/29/2005 have been fully considered but they are not persuasive.

Applicant's arguments have been addressed within the body of the rejection.

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 10 and 13-17 are allowed.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Ed Swinehart', with a stylized, looping flourish.

Ed Swinehart
Primary Examiner
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